

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, and conduct of Pacific Bell Wireless LLC dba Cingular Wireless, U-3060, U-4135 and U-4314, and related entities (collectively "Cingular") to determine whether Cingular has violated the laws, rules and regulations of this State in its sale of cellular telephone equipment and service and its collection of an Early Termination Fee and other penalties from consumers.

Investigation 02-06-003
(Filed June 6, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTIONS FILED JUNE 16 AND 25, 2003 AND
SUBMITTING PROCEEDING FOR DECISION**

This ruling resolves two recent motions filed by the Commission's Consumer Protection and Safety Division (CPSD) and then submits this proceeding for decision. The motions are CPSD's June 16, 2003 motion for leave to file under seal its confidential reply brief and its June 25 motion for an extension of time to file the public version of its reply brief.

Reply briefs were due on June 16 and the three active parties, Cingular Wireless (Cingular), Utility Consumers' Action Network and CPSD all made timely filings. CPSD included its reply brief in a closed envelope attached to a motion for leave to file under seal the unredacted text of the brief. CPSD requested and received an extension of time, until June 20, to file a public version of its brief. CPSD has required additional time, until June 25, to consult with Cingular in order to ensure mutual satisfaction that CPSD's proposed public

brief, from which confidential information has been redacted, complies with previous rulings on the confidentiality of certain evidence in this proceeding. (See, *Joint Ruling of Assigned Commissioner and ALJ on Confidentiality of Specified Exhibits*, May 12, 2003 and *Administrative Law Judge Ruling Receiving Four Additional Late-Filed Exhibits*, June 10, 2003.)

Comparison of the public version and the unredacted version of CPSD's reply brief confirms that CPSD has exercised care not to reveal information deemed confidential by previous rulings in this proceeding. (*Ibid.*) It is not necessary to reiterate here the rationale of those rulings and accordingly, the motion should be granted and the confidential brief should be filed under seal.

The scoping memo and its subsequent revisions provide for submission of this proceeding concurrent with the filing of reply briefs. As this ruling authorizes the filing of CPSD's reply brief, the proceeding now may be submitted for decision. However, because two additional days beyond June 25 were required to issue this ruling on CPSD's motions, the date of submission shall be the date of this ruling. Accordingly, pursuant to Public Utilities Code 1701.2(a), the presiding officer's decision shall be filed not later than August 27, 2003, which is 60 days from the date of this ruling.

IT IS RULED that:

1. The June 25, 2003 motion of the Commission's Consumer Protection and Safety Division (CPSD) for an extension of time to file the public versions of its reply brief is granted. The public version shall be deemed filed as of June 25, 2003.
2. CPSD's June 16, 2003 motion for leave to file the confidential version of its reply brief under seal is granted, as further specified in these ruling paragraphs.

3. The confidential version of CPSD's reply brief shall remain under seal so long as the sealed evidence that it cites remains under seal. Accordingly, unless or until that sealed evidence is publicly disclosed, the confidential version of CPSD's reply brief shall not be made accessible or disclosed to anyone other than Commission staff except pursuant to (a) the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge, or (b) the terms of a reasonable nondisclosure agreement applicable to this proceeding.

4. The date of submission of this proceeding is June 27, 2003.

Dated June 27, 2003, at San Francisco, California.

/s/ JEAN VIETH

Jean Vieth
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motions Filed June 16 and 25, 2003 and Submitting Proceeding for Decision on all parties of record in this proceeding or their attorneys of record.

Dated June 27, 2003, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.